IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE FIRST DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

AND
THE HON'BLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.19207 of 2004

Between:

Sri B.V.Krishna Kumar, S/o.B.N.V.Narasimhulu,
R/o.H.No.1-1-540, Flat No.102, Sairam Suman Residency,
Gandhi Nagar, Hyderabad-20, A.P.

..... PETITIONER

AND

The Revenue Divisional Officer, Secunderabad Division,
Government of Andhra Pradesh, Hyderabad District, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue writ of Mandamus or any other appropriate writ or order or directions to demolish the structures and restore my possession of Schedule property in O.P.239 of 1992 or otherwise which will put irreparable loss and great hardship and also violation of principles of natural justice apart from violative of fundamental rights as guaranteed under Articles 14 and 21 of the Constitution of India.

Counsel for the Petitioner: Mr.THALAPALLY RAJASHEKHAR

Counsel for the Respondent: G.P. FOR REVENUE

The Court at the admission stage made the following ORDER:

ORAL ORDER: (per the Hon'ble the Chief Justice)

As per the averments made in the petition, pursuant to the orders made on 17th May 2002 in Form V, Revenue Divisional Officer, directed to execute the order under Rule 15(2) of the A.P. Land Grabbing (Prohibition) Rules, 1988, and on 28th September 2002, Mandal Revenue Officer, Musheerabad, executed the order of Revenue Divisional Officer by conducting panchanama. Petitioner further alleges that wife and son of V.Laxmaiah, then filed writ petition without impleading petitioner as party, and by misleading the Court obtained order in their favour in W.P.No.19501 of 2002, against which an appeal was preferred bearing Writ Appeal No.532 of 2004, which was allowed and the order passed in the writ petition was set aside, and in the said order in appeal it was observed that appellant, who is petitioner before us, cannot be prevented from executing the lawful decree obtained from Special Tribunal, Land Grabbing in O.P.No.239 of 1992.

Now the grievance of the petitioner is that he has approached the Revenue Divisional Officer for execution of the order passed in O.P.No.239 of 1992, but no action is taken.

Earlier proceedings in O.P.No.239 of 1992 were directed against Yadagiri and Laxmaiah, sons of Sailu. As per petitioner's own averments, the said order was duly executed and petitioner was put in possession. Once the order has been duly executed, thereafter there is no jurisdiction vested in the authority under the provisions of the Land Grabbing (Prohibition) Act to keep on executing the same order. In case petitioner has any grievance against the family members of the two persons against whom petitioner had sought an order before Special Tribunal, petitioner has to take out appropriate proceedings and filing of the writ petition to seek direction against Revenue Divisional Officer to execute an order which already stood executed is misconceived.

Writ petition is dismissed.

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(DEVINDER GUPTA, C.J.)

1st November 2004.

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(C.V.RAMULU, J.)

ARS

To

1.The Revenue Divisional Officer, Secunderabad Division,
Government of Andhra Pradesh, Hyderabad District, Hyderabad.

2.Two C.Cs to Govt. Pleader for Revenue, High Court Bldgs., Hyderabad (OUT).

3.Two C.D. copies.